

was false and misleading in that it represented that the article was sugar vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sugar vinegar, whereas, in truth and in fact, it was not sugar vinegar but was a mixture composed in part of distilled vinegar. Misbranding was alleged for the further reason that the article was a mixture composed in part of distilled vinegar artificially colored, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, sugar vinegar. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10233. Misbranding of Lung Germine. U. S. \* \* \* v. 14 Bottles and 23 Bottles \* \* \* of Drug Products. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15135, 15136. I. S. Nos. 2941-t, 2942-t. S. Nos. C-3111, C-3112.)**

On July 13, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 37 bottles of drugs, at Houston, Tex., consigned on or about September 16, 1920, and February 2, 1921, respectively, alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., and transported from the State of Michigan into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) “\* \* \* Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. \* \* \* Your Lungs; Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation. \* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) \* \* \*”. (bottle) “\* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) \* \* \* Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle \* \* \*”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and aromatics.

Misbranding of the article was alleged in substance in the libels for the reason that the package or label failed to bear a statement of the quantity of alcohol contained therein; for the further reason that the statement on the bottle and carton containing the said article, “Alcohol by volume 10 per cent” [“Contains 10% Alcohol”], was false and misleading; and for the further reason that the above-quoted statements regarding the curative or therapeutic effect of the said article, appearing on the labels of the said cartons and bottles, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10234. Misbranding of olive oil. U. S. \* \* \* v. 32 Cans of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 15316. I. S. No. 6677-t. S. No. E-3463.)**

On August 10, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and con-

demnation of 32 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by E. Di Bianco, New York, N. Y., on or about February 28, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Puro Olio Di Oliva Importato \* \* \* Emilio Di Bianco \* \* \* Importer New York \* \* \*"

Misbranding of the article was alleged in the libel for the reason that the labels of the said cans bore a certain statement, as follows, "Net Contents 1 Quart," which statement was false and misleading and was of such a character as to induce the purchaser to believe that the said cans contained 1 quart each of the said article, when, in truth and in fact, they did not. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed or sold by the United States marshal, if such sale could be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10235. Misbranding of Edgerton's salt brick. U. S. \* \* \* v. 10 Cases of Edgerton's Salt Brick. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15495. I. S. No. 1003-t. S. No. C-3275.)

On or about November 2, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of Edgerton's salt brick, remaining unsold in the original unbroken packages at Ardmore, Okla., alleging that the article had been shipped by the Edgerton Salt Brick Co., Atlanta, Ga., on or about March 18, 1920, and transported from the State of Georgia into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted largely of sodium chlorid, with smaller amounts of calcium sulphate, iron sulphate, magnesia, sulphur, nux vomica, and a trace of a nitrate.

Misbranding of the article was alleged in substance in the libel for the reason that the cartons containing the said article bore the following statements regarding the effects thereof, "\* \* \* Prevents Hog Cholera \* \* \* kills all kinds of worms \* \* \*" which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10236. Misbranding of potatoes. U. S. \* \* \* v. 300 Sacks \* \* \* of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 15644. I. S. No. 8222-t. S. No. E-3654.)

On November 28, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks of potatoes, remaining unsold in the original unbroken packages at Elizabeth, N. J., alleging that the article had been shipped by C. A. Powers & Co., Fort Fairfield, Me., on or about November 11, 1921, and transported from the State of Maine into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1921, C. A. Powers & Co., Fort Fairfield, Me., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a